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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,437

01/20/2006

Inge Oestergaard

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,437	<b>Applicant(s)</b> OESTERGAARD ET AL.	
	<b>Examiner</b> JAMES M. HEWITT	<b>Art Unit</b> 3679	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/20/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Species I in the reply filed on 7/23/08 is acknowledged. The traversal is on the ground(s) that as the PCT Examiner stated that unity of invention exists among the claims, there is no lack of unity. This is not found persuasive because upon closer review, it seems as if the claims were found to lack unity. In the International Search Report for PCT/IB2004/002334, the PCT Examiner identified three separate inventions, and lack of unity among the claims was found to exist. All of the inventions were searched because of the payment of additional search fees.

The requirement is still deemed proper and is therefore made FINAL.

Claims 18-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/23/08.

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckershoff (EP 0040268).

With respect to claim 1, Beckershoff discloses a hydraulic coupling device: comprising: a male coupling part in the form of a sealing element comprising a hollow body of metallic material with a first male sealing member (3) formed at a first end of the body and a second male sealing member (3) formed at a second end of the body opposite said first end; a first female coupling part (9) provided with a first female sealing member (10) and having an internal bore (8) extending through the coupling part and its female sealing member; and a second female coupling part (9) provided with a second female sealing member (10), wherein the first male sealing member has an external spherical contact surface designed for mating with a corresponding internal conical contact surface of the first female sealing member so as to form a fluid-tight seal between the first male sealing member and the first female sealing member when their contact surfaces are pressed against each other; wherein the second male sealing member has an external spherical contact surface designed for mating with a corresponding internal conical contact surface of the second female sealing member so as to form a fluid-tight seal between the second male sealing member and the second

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female sealing member when their contact surfaces are pressed against each other; wherein the body is provided with an intermediate member (corrugations 2), which forms a continuous part together with the first and second male sealing members and which is mechanically compressible so as to be capable to store elastic energy when the body is subjected to axial compression; and wherein an internal bore extends through the body and through the first and second male sealing members and the intermediate member, the spherical contact surface of the respective male sealing member surrounding said internal bore.

With respect to claim 2, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the first male sealing member is coaxial with the second male sealing member.

With respect to claim 3, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the intermediate member is expandable by an internal fluid pressure in the body so as to urge the respective male sealing member outwards in the axial direction of the body against the corresponding female sealing member when the sealing element is fitted between said female sealing members, thereby increasing the sealing contact pressure between the respective male sealing member and the corresponding female sealing member.

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With respect to claim 4, Beckershoff discloses a hydraulic coupling device according to claim 3, wherein the intermediate member has an internal cross-sectional area which is larger than the external cross-sectional area of the respective male sealing member as seen at the point of the male sealing member where the male sealing member is designed to engage with the corresponding female sealing member.

With respect to claim 5, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the intermediate member is essentially shaped as a single or multiple wave bellows.

With respect to claim 6, Beckershoff discloses a hydraulic coupling device according to claim 1, wherein the second female coupling part has an internal bore extending through the coupling part and its female sealing member.

***Allowable Subject Matter***

Claims 7-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/  
Primary Examiner, Art Unit 3679

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